

Message Text

CONFIDENTIAL

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ACTION EUR-12

INFO OCT-02 ISO-00 SSO-00 INRE-00 NSCE-00 USIE-00
ACDA-12 AGRE-00 AID-05 CEA-01 CEQ-01 CG-00
CIAE-00 COME-00 DLOS-09 DODE-00 DOTE-00 EB-08
EPA-01 SOE-02 DOE-11 FMC-01 TRSE-00 H-01 INR-07
INT-05 IO-13 JUSE-00 L-03 NSAE-00 NSF-01 OES-07
OMB-01 PA-01 PM-05 PRS-01 SP-02 SS-15 /126 W
-----015412 260011Z /75

O 252335Z JAN 78

FM AMEMBASSY OTTAWA

TO SECSTATE WASHDC IMMEDIATE 6098

C O N F I D E N T I A L SECTION 01 OF 02 OTTAWA 00391

E.O. 11652: GDS

TAGS: PBOR, CA, US

SUBJECT: MARITIME NEGOTIATIONS WITH CANADA

PLEASE PASS L/FELDMAN AND EUR/VINE

FOLLOWING NOTE WAS DELIVERED JANUARY 25 TO DCM
DUEMLING.

BEGIN TEXT: THE DEPARTMENT OF EXTERNAL AFFAIRS
PRESENTS ITS COMPLIMENTS TO THE EMBASSY OF THE UNITED
STATES OF AMERICA AND HAS THE HONOUR TO REFER TO
NORTH ATLANTIC OUTER CONTINENTAL SHELF OIL AND GAS
LEASE SALE NO. 42 OF JANUARY 31, 1978 AS ANNOUNCED IN
THE U.S. FEDERAL REGISTER ON DECEMBER 30, 1977.

"IN ITS NOTE GNT-067 OF NOVEMBER 3, 1977, THE DEPARTMENT
INFORMED THE EMBASSY THAT THE EQUITABLE EQUIDISTANCE
LINE THEREIN DESCRIBED CONSTITUTES IN LAW THE LATERAL
LIMITS OF CANADA'S CONTINENTAL SHELF AND FISHERIES
JURISDICTION IN THE AREA SEAWARD OF THE GULF OF MAINE.
THE GOVERNMENT OF CANADA NOTES WITH CONCERN THAT SOME
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OF THE TRACTS TO BE OFFERED FOR LEASE SALE ON JANUARY
31, 1978 FALL ON THE CANADIAN SIDE OF THE EQUITABLE
EQUIDISTANCE LINE AND ARE, THEREFORE, IN AN AREA
IN WHICH CANADA CLAIMS JURISDICTION. THE GOVERNMENT OF
CANADA FORMALLY REQUESTS THAT THE TRACTS FALLING ON
THE CANADIAN SIDE OF THE EQUITABLE EQUIDISTANCE LINE
BE WITHDRAWN FROM LEASE SALE ON JANUARY 31 AND THAT,

PENDING A FINAL DETERMINATION OF THE MARITIME BOUNDARY IN THAT AREA, NO ACTION BE TAKEN BY EITHER COUNTRY WHICH COULD PREJUDICE A SETTLEMENT.

"THE GOVERNMENT OF CANADA HAS PREVIOUSLY RESERVED ITS RIGHTS AND THOSE OF ITS NATIONALS IN THE AREA IN QUESTION. UNTIL THE EXACT LOCATION OF THE CANADA/USA MARITIME BOUNDARY IN THE GULF OF MAINE/GEORGES BANK AREA IS SETTLED, CANADA CAN NEITHER ACCEPT NOR RECOGNIZE AS VALID ANY UNITED STATES GOVERNMENT AUTHORIZATION OF EXPLORATION OR EXPLOITATION OF THE NATURAL RESOURCES OF THE CONTINENTAL SHELF IN THE AREA IN QUESTION.

"THE GOVERNMENT OF CANADA IS OF THE VIEW THAT THE SALE AT THIS TIME OF OIL AND GAS LEASES IN AN AREA IN CONTENTION IN THE CURRENT CANADA/USA MARITIME BOUNDARIES NEGOTIATIONS IS NOT IN ACCORDANCE WITH THE OBJECT OR SPIRIT OF THESE NEGOTIATIONS. IN ITS NOTE GNT-067 OF NOVEMBER 3, 1977, THE DEPARTMENT STATED THAT, IN ORDER NOT TO PREJUDICE IN ANY WAY THE CONDUCT OF THE CURRENT TEGOTIATIONS, THE GOVERNMENT OF CANADA HAD DECIDED TO FOREGO THE PUBLIC ASSERTION OF THE CLAIM DEFINED BY THE COORDINATES ANNEXED THERETO AND THE EXERCISE OF CANADIAN JURISDICTION IN AREAS BEYOND THE PUBLISHED EQUIDISTANCE LINE, PENDING THE OUTCOME OF THESE NEGOTIATIONS. HOWEVER, THE GOVERNMENT OF CONFIDENTIAL

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CANADA CAN ONLY MAINTAIN THE CONFIDENTIALITY OF ITS CLAIM AND FORBEARANCE IN THE EXERCISE OF ITS JURISDICTION IF THE GOVERNMENT OF THE UNITED STATES EXERCISES SIMILAR RESTRAINT IN THE AREA IN QUESTION. IF THE UNITED STATES AUTHORITIES INTEND TO PROCEED WITH THE SALE OF OIL AND GAS LEASES ON TRACTS IN THE AREA FORMALLY CLAIMED BY CANADA ON NOVEMBER 3, 1977, THE GOVERNMENT OF CANADA WILL BE OBLIGED TO PUBLISH A NOTICE IN THE CANADA GAZETTE, PRIOR TO THE DATE OF THE PROPOSED SALE, ANNOUNCING CANADA'S EQUITABLE EQUIDISTANCE LINE CLAIM IN RESPECT OF CONTINENTAL SHELF AND FISHERIES JURISDICTION IN THE GULF OF MAINE/GEORGES BANK AREA AND RESERVING CANADA'S POSITION WITH REGARD TO ANY OIL AND GAS LEASES WHICH MAY BE ISSUED BY THE UNITED STATES AUTHORITIES IN THE AREA IN QUESTION. THE GOVERNMENT OF CANADA BELIEVES THAT IT MUST MAKE ITS POSITION A MATTER OF PUBLIC RECORD PRIOR TO ANY SUCH SALE SO THAT CORPORATIONS AND INDIVIDUALS CONCERNED WITH EXPLORATION AND EXPLOITATION WILL BE ON NOTICE OF THE CANADIAN POSITION BEFORE SUBMITTING ANY BIDS FOR LEASES ON TRACTS IN THE AREA IN QUESTION.

"THE GOVERNMENT OF CANADA WISHES TO EMPHASIZE ONCE AGAIN ITS COMMITMENT TO MAKING EVERY EFFORT TO ACHIEVE A SETTLEMENT OF THE OUTSTANDING MARITIME BOUNDARIES AND RELATED RESOURCE ISSUES IN THE CONTEXT OF THE CURRENT NEGOTIATIONS AND HOPES THAT NEITHER COUNTRY WILL TAKE ANY ACTION WHICH MIGHT PREJUDICE THE CONDUCT OR OUTCOME OF THESE NEGOTIATIONS OR ANY OTHER PROCEDURES FOR SETTLEMENT WHICH MAY BE AGREED TO BY THE TWO GOVERNMENTS.

"THE DEPARTMENT OF EXTERNAL AFFAIRS AVAILS ITSELF

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FM AMEMBASSY OTTAWA

TO SECSTATE WASHDC IMMEDIATE 6099

C O N F I D E N T I A L SECTION 02 OF 02 OTTAWA 00391

OF THIS OPPORTUNITY TO RENEW TO THE EMBASSY OF THE UNITED STATES THE ASSURANCES OF ITS HIGHEST CONSIDERATION. OTTAWA, JANUARY 25, 1978. END TEXT.

IN PRESENTING NOTE TO DCM, EXTAFF LEGAL ADVISOR
COPITHORNE MADE FOLLOWING POINTS:

A. SUBSTANCE OF NOTE HAD ALREADY BEEN FLAGGED TO USG OVER PAST TWO WEEKS, IN CONTEXT OF CUTLER-CADIEUX NEGOTIATION. GOC THOUGHT THESE INTERVENTIONS MIGHT PROMPT USG TO WITHDRAW FROM JANUARY 31 LEASE SALE THOSE TRACTS FALLING ON CANADIAN SIDE OF EQUITABLE EQUIDISTANCE LINE. HOWEVER, IT BECAME CLEAR DURING CUTLER-CADIEUX CONVERSATIONS THIS WEEK IN OTTAWA THAT INTERIOR DEPARTMENT IS STILL PLANNING TO PROCEED WITH LEASE SALE AS ORIGINALLY ANNOUNCED IN FEDERAL

REGISTER ON DECEMBER 30, 1977. IN THIS CONNECTION,
COPITHORNE SAID THAT SECRETARY ANDRUS HAD APPARENTLY
MADE SOME REMARKS AT A WASHINGTON PRESS CONFERENCE
TODAY (JAN. 25) INDICATING SOME FLEXIBILITY, BUT GOC
HAD NO CLEAR INFORMATION ON THE POINT. UNDER THESE
CIRCUMSTANCES, GOC FELT CONSTRAINED TO SEND NOTE
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FORMALLY RECORDING ITS POSITION.

B. WITH RESPECT TO POSSIBLE PUBLICATION OF NOTICE
IN CANADA GAZETTE, COPITHORNE SAID GOC WOULD FACE
GO-NO GO SITUATION AT COB ON THURSDAY, JANUARY 26.
GOC BELIEVES THAT, TO PROTECT ITS POSITION VIS-A-VIS
COMPANIES THAT MIGHT SUBMIT LEASE BIDS, IT MUST MAKE
PUBLIC ASSERTION OF ITS CLAIM NO LATER THAN GAZETTE
OF JANUARY 27. NEXT POSSIBLE NOTICE WOULD BE GAZETTE
OF JANUARY 30 AND THAT IS TOO CLOSE TO DATE OF LEASE
SALE. IN RESPONSE TO DCM'S QUERY, COPITHORNE AFFIRMED
THAT, IN EFFECT, GOC WOULD NEED USG RESPONSE TO NOTE
WITHIN 24 HOURS IF NOTICE WERE NOT RPT NOT TO BE
PLACED IN GAZETTE.
ENDERS

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TEXT, DCM, DIPLOMATIC COMMUNICATIONS, NEGOTIATIONS, TERRITORIAL CLAIMS, BOUNDARY CLAIMS
Control Number: n/a
Copy: SINGLE
Draft Date: 25 jan 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978OTTAWA00391
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780038-0180
Format: TEL
From: OTTAWA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780124/aaaaaudh.tel
Line Count: 197
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: fbcaa1e0-c288-dd11-92da-001cc4696bcc
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 07 jul 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3716863
Secure: OPEN
Status: NATIVE
Subject: MARITIME NEGOTIATIONS WITH CANADA PLEASE PASS L/FELDMAN AND EUR/VINE FOLLOWING NOTE WAS DELIVERED JANUARY 25 TO DCM
TAGS: PBOR, CA, US
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/fbcaa1e0-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014